

## REMARKS

To consolidate issues in the case, the application has been amended to include a single system claim, a single method claim, and a single computer readable recording medium claim. These claims correspond respectively with the now canceled system, apparatus, server and terminal claims 1-17, method claims 18-19, and user authentication program claims 20-21.

The amendments address the lack of statutory subject matter rejection (original claims 20-21), by requiring a computer readable recording medium (new claim 24).

The amendments address the objection for lack of antecedent basis (original claim 10), as each of the new claims provides antecedent basis for the claimed subject matter.

The amendments address the double patenting, anticipation and obviousness issues raised in the office action for the reasons set forth below.

From the amended scope of the claims, the claimed user authentication system (as well as the method and instructions on the computer readable storage medium) not only performs authentication of a portable terminal based on the response from the portable terminal by transmitting corresponding data to an appropriate portable terminal, but also stores in advance the locations of all the user operation devices being placed and recognizes the location of the user operation device to which the user inputs the user ID and the password, and obtains the positional information of the portable telephone which is the target of transmitting the password (at that point or before or after) where the password is inputted to the user operation device. This is described in paragraph [0068] of the printed publication of the application.

Further, the data managing server obtains positional information of the portable terminal and positional information of a user operation device together with authentication of the corresponding data and performs authentication to check whether or not the potential information is almost consistent with each other.

As discussed in paragraph [0069] of the printed publication, the following is

achieved (as well as other benefits): when they are located within a radius of 3 m, it can be recognized that the user is in operation of the user operation device 2 by using the portable telephone which has received the password transmitted from the data managing server 3. Only then, log-in by the user may be permitted. Thereby, it is possible to surely authenticate that the user who is in operation of the user operation device and the user carrying the portable telephone is the same, thereby enabling further enhancement of the security.

This is not described or claimed in Sonetaka and would not constitute double patenting over Sontetaka in view of Shioda.

Furthermore, all of the cited references (Shioda and Britti) perform authentication of a portable terminal merely by transmitting corresponding data to an appropriate portable terminal and receiving a response from the portable terminal. Thus, the cited references fail to disclose or suggest storing, by a data server, in advance locations of all user operation devices accessed by the portable terminal, obtaining, from the storing and based on the identification data peculiar to the user inputted by the user, positional information of one of the user operation devices to which the portable terminal which is a target of transmitting the corresponding data at a point where the identification data is inputted to the user operation device by the user, and performing user authentication based on both of the positional information, as is set forth in the claimed invention. Accordingly, it is not possible with any of the cited references to surely authenticate that the user who is in operation of the user operation device and the user carrying the portable telephone is the same. This results in inferior performance of the prior art devices in terms of enhancement of security, compared to the present invention.

Further, none of the cited references provides for surely authenticating that the user who is in operation of the user operation device and the user carrying the portable telephone is the same. Moreover, it is not commonly performed to surely authenticate that the user who is in operation of the user operation device and the user carrying the portable telephone is the same—that is, the claimed invention does not correspond to conventional art.

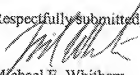
The claimed invention is superior to the cited references in that it surely authenticates the user who is in operation of the user operation device and the user carrying the portable telephone is the same. Further, cited references not only fail to disclose or suggest surely authenticating that the user who is in operation of the user operation device and the user carrying the portable telephone is the same, but also do not recognize any desirability to do so (i.e., there is no motivation from either the references or the conventional art to address this issues) thus no reference (e.g., Shioda) would anticipate the claimed invention, and no combination of references (e.g., Shioda and Britt) would make the claimed invention obvious to one of ordinary skill in the art

In view of the foregoing, it respectfully requested that the application be reconsidered, that claims 22-24 be allowed, and the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham  
Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190

Tel. (703) 787-9400  
Fax. (703) 787-7557

Customer No.: 30743